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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,809	02/05/2004	Kazuya Fujita	60803(49381)	8452

7590 02/25/2009
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EXAMINER

LOUIE, WAI SING

ART UNIT

PAPER NUMBER

2814

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,809

Applicant(s)

FUJITA ET AL.

Examiner

Wai-Sing Louie

Art Unit

2814

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 30-38 and 48-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 30-38 and 48-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-089)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 February 2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16, 30-38, and 48-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Hashimoto (US Pub. 2003/0124762).

With regard to claim 1, 6-7, and 11, Hashimoto discloses an optical device (§ [0026] et seq. and fig. 8) comprising:

- A solid state image sensor device 100 (§ [0095] and fig. 8) having an effective pixel region 22 in one surface (§ [0094] and fig. 2);

- A light-transparent cover 110 arranged opposite to the efficiency pixel region 22 (¶ [0100] and fig. 8) and the light-transparent cover 110 having planar dimensions smaller than those of the solid state image sensor 100;
- An adhesive section 18 for adhering the solid state image sensor 100 and the light-transparent cover 110 (¶ [0093] and fig. 8), where a space is formed from the effective pixel region to the light-transparent cover 110 (fig. 8), and the adhering section 18 is formed outside the effective pixel region 22 in the one surface of the solid state image pickup device 100 (fig. 5a);
- Connection terminals 34 disposed on the solid state image sensor 100 (¶ [0097] and fig. 5b), the adhering section 58 disposed at least in a portion of the region where the cover opposes the solid state image sensor 100 and such that the connection terminals 34 are exposed (fig. 8).

With regard to claims 2, 8, 10, 12, and 49, Hashimoto discloses a thermal photosensitive adhesive 36 used in the optical device (¶ [0093]).

With regard to claims 3, 9, and 13, Hashimoto discloses the adhesive section 18 is formed outside the effective pixel region 22 in the one surface of the solid state image sensor 100 (fig. 5a and 5b).

With regard to claim 4-5 and 14-15, Hashimoto disclose the adhesive section 18 seals the outer periphery of the space (fig. 5a).

With regard to claims 16 and 31, in addition to the limitations disclosed in claim 1 above, Hashimoto also discloses:

- Hashimoto disclose a lens 78 and a lens retainer 74 for retaining the lens (fig. 9).

- Hashimoto disclose a light-transparent cover 110 is arranged opposite to the lens 78 and inside the lens retainer 74 (fig. 10).

With regard to claims 30, 36, 38, in addition to the limitations disclosed in claim 1 above, Hashimoto also discloses:

- An optical path 76 defining unit arranged opposite to the solid state image sensor 100 and defining an optical path 76 to the solid state image sensor 100 (fig. 10);
- A wiring board 62 on which wiring 54 is formed (§ [0119] and fig. 8).

With regard to claims 32, 37, 48, in addition to the limitations disclosed in claims 1 and 30 above, Hashimoto also discloses:

- A solid state image sensor 100 formed by resin-sealing 58 (§ [0118] and fig. 8);
- The solid state image sensor 100 is electrically connected to the wiring 56 in a state that the surface of the light-transparent cover 110 is exposed (fig. 8).

With regard to claim 33, Hashimoto discloses an external terminal 34 connected to the wiring 54 is formed on the surface of the module component wiring board 62 reverse to the surface to which the image sensor 100 is adhered (fig. 1).

With regard to claims 34-35, Hashimoto discloses the external terminal 34 has a protruding shape (fig. 8), where the external of the module component wiring board 52 is connected to the wiring board 62 (fig. 8).

With regard to claim 50, Hashimoto discloses the light-transparent cover 110 is planar (fig. 5a).

With regard to claim 51, Hashimoto discloses the adhesive section 18 seals the light-transparent cover 110 to the solid state image sensor 100 (fig. 5a).

With regard to claim 52-58, in addition to the limitations disclosed in claim 1 above, Hashimoto also discloses:

- The space allows incoming light to pass through the light-transparent cover 110 to be incident light directly on the effective pixel region 22 (fig. 5a).

Response to Arguments

Applicant's arguments with respect to claims 1-16, 30-38, and 48-58 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai-Sing Louie whose telephone number is 571-272-1709. The examiner can normally be reached on 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wai-Sing Louie/
Primary Examiner, Art Unit 2814

Wsl
February 19, 2009.